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### New Journal

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## New Journal: Comparative Legal History

Posted on 19/06/2013 by John Cairns

Your blogger is interested to note the appearance of this new legal history journal. Appearing under the Hart Publishing imprint, it is the official journal of the recently-founded European Society for Comparative Legal History (ESCLH). It is peer-reviewed and will appear twice yearly under the editorship of Seán Patrick Donlon of the University of Limerick. In his editorial, Dr Donlon remarks that the ESCLH was “[b]orn out of frustration with the narrow nationalism and geographical segregation of legal history in contemporary European scholarship” – admirable sentiments, though one wonders if it was really quite as bad as this in 2009, but perhaps it was.

In recent years, David Ibbetson of Cambridge has written a number of valuable pieces on legal historiography, notably in the important volume, *Law and History*, edited by Andrew Lewis and Michael Lobban in the Current Legal Problems series, as well as in Antony Musson and Chantal Stebbings’ recent volume, *Making Legal History: Approaches and Methodologies* (2012). The first article in this first issue of the new journal is thus not inappropriately by him on the theme “The Challenge of Comparative Legal History”. It is followed by David M. Rabban’s piece on “American Responses to German Legal Scholarship: From the Civil War to World War I”, evidently related to the research for his recent book, *Law’s History: American Legal Thought and the Transatlantic Turn to History* (2013); even those who have not seen the book may be familiar with Professor Rabban’s recent blogging about it on the Legal History Blog: <http://legalhistoryblog.blogspot.co.uk/>

The remaining two articles are by more junior scholars. Bram Delbecke of Leuven has an interesting article on political offences and the relationships between French and Belgian politics and constitutional law, while Marianna Muravyev of Helsinki writes on “Russian and European Early Modern Legal Thought on Sex Crimes”. Your Blogger was delighted to see her mentions of the Glasgow-educated Desnitsky and Tretiakov who became law professors at Moscow, but disappointed that she appears to have been unaware of relatively recent research focussed on their studies with John Millar and indeed of older research on Millar and crimes which might have illuminated her themes. She only notes their studies with Smith, which must have been very limited indeed, and to describe Tretiakov’s doctoral degree as on procedural law (he defended theses and annexa on D. 4.2 (de in ius vocando)) in contrast to Desnitsky’s on D. 28.1 (de testamentis ordinandis) described as on Roman and Canon law is doubtful. See <http://ideashistory.org.ru/pdfs/a15.pdf> Indeed, a copy of Tretiakov’s *disputatio juridica* survives and his degree is described as that of *legum doctor*, i.e. doctor of the laws (that is, of the civil and canon). Of course, her rich and valuable article is hardly marred by this small issue. After a review article, the issue concludes with a number of short book reviews.

In sum a promising and impressive beginning.

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